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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,515	05/29/2001	Atsushi Misawa	0905-0260P-SP	3154

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,515

Applicant(s)

MISAWA, ATSUSHI

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,13,28-33,36,37 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,36 and 37 is/are allowed.
- 6) ☒ Claim(s) 13,28-33 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The applicant's amendment filed on 2/7/2006 has been entered.
2. The indicated allowability of claims 28-33 are withdrawn in view of the newly discovered reference(s) to Morohashi et al. U.S. Patent Publication 2002/0081112 and Suzuki U.S. Patent 6,111,605. Rejections based on the newly cited reference(s) follow.
3. The indicated allowability of claims 13 and 40 are withdrawn, because the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
4. This action is not made final.

Claim Objections

5. Claim 13 objected to because of the following informalities:

For claim 13, Line 20, "sixth" should be changed to --first--.

For claim 13, line 28, "seventh" should be changed to --second--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

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6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 13 and 40 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to the claims 13 and 40, state “... control unit, in response to a determination by said determination unit that **only the image data and the character data** are recorded on the recording medium in a form linked to each other, for controlling the voice output unit of the camera in such a manner that the voice represented by the **voice data is output**”. This limitation is not described in the specification as originally filed. Figure 9 shows an embodiment where step 52 determines if voice data corresponds to image data (here “image data” represents image data combined with character data, see page 20 of original specification). If “yes” then step 55 outputs voice, character and image data. If “no”, the step 56A **only outputs characters and image data**. Therefore, the specification as originally filed does not provide support for outputting voice data when only image and characters data are linked.

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morohashi et al. U.S. Patent Publication 2002/0081112 in view of Suzuki U.S. Patent 6,111,605.

Referring to claim 28, the Morohashi reference discloses in Figures 2, 4, 21, 22 and 29A, a method for playing back data recording in a storage medium (storage section 13, see page 3, [0063]), wherein the storage medium includes a structure to record image data (19), character data (voice code image 18, see [0064]) related to the image data, and voice data related to the image data (See Figure 22, steps 81-84) and wherein the related character data is a visual representation of data corresponding to the related voice data, the method comprising: determining if the related voice data is recorded in the storage medium (See Figure 29A, step 106, determine whether or not voice data is associated with image data in the storage section 13, see page 11, [0186]); outputting the related voice data only if it is determined that the related voice data is recorded in the storage medium (e.g., when determined that the related voice data is recorded with the image data, reproducing an audible voice by the speaker 512, see page 11, [0188]) ; and displaying only the image data or both the related character data and the image data based on the result of the step of determining if the related voice data is recorded in the storage medium (e.g., for determining that the voice code image is associated based on the header information of voice data in step

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S111 which after the step of determining s106 if the related voice data is recorded in the storage section, see page 11, [0189]-[0194]). However, the Morohashi reference does not explicitly show the related character data is also a text data corresponding to the related voice data instead of voice code image.

The Suzuki reference teaches in Figures 17-19, a method for playing back data recording in a storage medium (memory card 103, see Col. 20, lines 18-25), wherein the storage medium includes a structure to record image data, character data related to the image data, and voice data related to the image data (See Col. 20, lines 45-48) and wherein the related character data is a visual representation of text data (see Figure 19) corresponding to the related voice data (See Col. 21, lines 34-47). The Suzuki reference is evidenced that one of ordinary skill in the art at the time to see more advantages for a method for playing back data recording in a storage medium, wherein the character data related to the image data is visual representation of text data corresponding to the related voice data so that makes it possible to improve the convenience for users in use thereof, and also even in a case where voices are hardly heard, or even in a case where voices can not be outputted (See Col. 21, lines 53-66). For that reason, it would have been obvious one having ordinary skill in the art at the time of the invention was made to modify the method of Morohashi ('112) for providing the related character data is also a visual representation of text data corresponding to the related voice data as taught by Suzuki ('605).

Referring to claim 29, the Morohashi and Suzuki references disclose all subject matter as discussed with respected to claim 28, and the Suzuki reference discloses determining if the related character data is recorded in the storage medium (See Figure 18, step S1802) if it is

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determined that the related voice data is recorded in the storage medium (See Figure 17, step S1707 recognition of voice, see Col. 20, lines 18-23); displaying both the related character data and the image data (See Figure 18, step S1807-S1808) if it is determined that the related character data is recorded in the storage medium; and displaying only the image data (See Figure 18, step S1803 normal mode which only displaying the image implicitly) if it is determined that the related character data is not recorded in the storage medium (See Col. 21, lines 1-20).

Referring to claim 30, the Morohashi and Suzuki references disclose all subject matter as discussed with respected to claim 29, and the Suzuki reference discloses wherein the step of displaying both the related character data and the image data comprises: combining the image data and character data into combined image data (See Figure 18, Steps S1807 and S1808); and displaying the combined image data as shown in Figure 19.

Referring to claim 31, the Morohashi and Suzuki references disclose all subject matter as discussed with respected to claim 29, and the Morohashi reference discloses displaying only the image data if it is determined that the related voice data is not recorded in the storage medium (e.g., the desired image is displayed in first processing, see page 11, [0186]; in step S106 for determining the voice data association is performed, if the voice data is not associated, the next processing is stopped, see page 11, [0187]).

Referring to claim 32, the Morohashi and Suzuki references disclose all subject matter as discussed with respected to claim 28, and the Suzuki reference discloses wherein the image data and the related character are stored as a combined image data in the storage medium,

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and wherein the step of displaying both the related character data and the image data comprises displaying the combined image data (See Figure 18, Steps S1807-S1808).

Referring to claim 33, the Morohashi and Suzuki references disclose all subject matter as discussed with respect to claim 28, and the Suzuki reference discloses determining if a voice erase command has been issued; and erasing the voice data if it is determined that the voice erase command has been issued (e.g., deletion of voice data temporally recorded, see Figure 17, step S1710).

Allowable Subject Matter

10. Claims 4, 36 and 37 are allowed.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

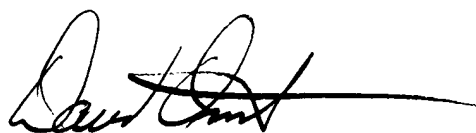
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
Examiner
Technology Division 2622

March 6, 2006

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal flourish extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER